



Chapter 12. Standards Applicable to Generators of Hazardous Waste

Article 1. Applicability

§66262.10. Purpose, Scope, and Applicability.

- (a) This chapter establishes standards for generators of hazardous waste located in California.
- (b) A generator who treats, stores, or disposes of hazardous waste on-site shall only comply with the following sections of this chapter with respect to that waste: section 66262.11 for determining whether or not the generator has a hazardous waste, section 66262.12 for obtaining an identification number, section 66262.34 for accumulation of hazardous waste, section 66262.40(c) and (d) for recordkeeping, section 66262.43 for additional reporting, section 66262.44 for hazardous waste of concern reporting, and if applicable, section 66262.70 for farmers.
- (c) Any person who imports hazardous waste into the State to a designated facility within the State from outside the United States shall comply with the standards applicable to generators established in this chapter.
- (d) Any person who exports or imports hazardous waste subject to the Federal manifesting requirements of 40 CFR Part 262, or to the universal waste management standards of 40 CFR Part 273, to or from the countries listed in 40 CFR section 262.58(a)(1) or section 66262.58(a)(1) for recovery of hazardous waste, shall comply with 40 CFR Part 262, Subpart H or this article.
- (e) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of section 66262.70 is not required to comply with other standards in this chapter or chapters 14, 15, or 18 of this division with respect to such pesticides.
- (f) A person who generates a hazardous waste as defined by chapter 11 of this division is subject to the compliance requirements and penalties prescribed in chapter 6.5 of division 20 of the Health and Safety Code (commencing with section 25100) if the generator does not comply with the requirements of this chapter.
- (g) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility shall comply with the generator standards established in this chapter. The provisions of section 66262.34 shall be applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of section 66262.34 shall apply only to owners or operators who are shipping hazardous waste which they generated at that facility.
- (h) A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and permit requirements set forth in chapters 14, 15, 16, 18 and 20 of this division.
- (i) This article does not apply to generators handling only hazardous waste produced incidental to owning and maintaining their own place of residence.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25150, 25159, 25159.5, 25169.7, and 58012, Health and Safety Code; and 40 Code of Federal Regulations section 262.10.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).
2. Amendment of subsection (g) and Note filed 10-24-94 as an emergency; operative 10-24-94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-20-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsection (g) and Note refiled 2-21-95 as an emergency; operative 2-21-95 (Register 95, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-21-95 or emergency language will be repealed by operation of law on the following day.
4. Amendment of subsection (g) and Note refiled 6-19-95 as an emergency; operative 6-19-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-17-95 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsection (g) and NOTE refiled 10-16-95 as an emergency; operative 10-16-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 10-24-94 order transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
7. Change without regulatory effect adding new subsection (d) and relettering subsections filed 8-20-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 34).
8. Amendment of subsections (b), (e) and (g) and amendment of Note filed 12-27- 2005; operative 1-26-2006 (Register 2005, No. 52).

§66262.11. Hazardous Waste Determination.

A person who generates a waste, as defined in section 66261.2, shall determine if that waste is a hazardous waste using the following method:

- (a) the generator shall first determine if the waste is excluded from regulation under section 66261.4 or section 25143.2 of the Health and Safety Code;
- (b) the generator shall then determine if the waste is listed as a hazardous waste in articles 4 or 4.1 of chapter 11 or in Appendix X of chapter 11 of this division. If the waste is listed in Appendix X and is not listed in articles 4 or 4.1 of chapter 11, the generator may determine that the waste from his particular facility or operation is not a hazardous waste by either:
 - (1) testing the waste according to the methods set forth in article 3 of chapter 11 of this division, or according

to an equivalent method approved by the Department pursuant to section 66260.21; or

(2) applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used and the characteristics set forth in article 3 of chapter 11 of this division.

(c) For purposes of compliance with chapter 18 of this division (commencing with section 66268.1), or if the waste is not listed as a hazardous waste in article 4 (commencing with section 66261.30), in article 4.1 (commencing with section 66261.50), or in Appendix X of chapter 11 of this division, the generator shall determine whether the waste exhibits any of the characteristics set forth in article 3 of chapter 11 of this division by either:

(1) testing the waste according to the methods set forth in article 3 (commencing with section 66261.20) of chapter 11 of this division, or according to an equivalent method approved by the Department under section 66260.21; or

(2) applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

(d) If the waste is determined to be hazardous, the generator shall refer to chapters 14, 15, 18, and 23 of this division for possible exclusions or restrictions pertaining to management of the specific waste.

NOTE: Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code. Reference: Sections 25115, 25117, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.11.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).
2. Amendment of subsection (d) and NOTE filed 2-8-2002; operative 2-8-2002 (Register 2002, No. 6).
3. Amendment of subsections (b) and (c) filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).

§66262.12. Identification Numbers for the Generator.

(a) Except as specified in (d), a generator shall not treat, store, dispose of, transport or offer for transportation, hazardous waste without having received an Identification Number.

(b) A generator who has not received an Identification Number may obtain one by applying to the Administrator or to the Department using EPA form 8700-12 (Revised 12/99). Following receipt of the request, the generator will be assigned an identification number.

(c) A generator shall not offer the hazardous waste to transporters or to transfer, treatment, storage or disposal facilities that have not received an Identification Number.

(d) Generators who generate no more than 100 kilograms of waste per month that is hazardous solely due to the presence of silver in the waste pursuant to Health and Safety Code section 25143.13 are not required to obtain an Identification Number.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25143.13, 25159, 25159.5 and 25160.2, Health and Safety Code; and 40 CFR Sections 261.5 and 262.12.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).
2. Change without regulatory effect amending subsection (a) and adding subsections (d)-(d)(2) filed 1-5-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 2).
3. Change without regulatory effect amending subsection (b), repealing subsections (d)-(d)(2), adopting new subsection (d) and amending Note filed 12-31-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 1).